

Linguistics 310: Language and the Law

Spring 2014

<i>Instructor:</i>	Tineke Scholten, Ph.D.
<i>Office:</i>	ST 806
<i>Office Phone:</i>	818 677-6475
<i>Email:</i>	christina.m.scholten@csun.edu
<i>Linguistics/TESL Dept:</i>	ST 805; 677-6762
<i>Office Hours:</i>	Mo-We 11:00-12:15 and by appointment

Course description

This course investigates the role that language and linguistics play in the legal written and oral discourse. In doing so, it hopes to serve two purposes: (1) to illustrate and explicate essential qualities of natural languages and language use, most notably in the areas of semantics, pragmatics, discourse analysis and sociolinguistics with the help of examples from the legal discourse and (2) to examine the functioning of the legal system where it interacts with language, taking into account what is known about language form and use from the field of linguistics. The course emphasizes active student participation and an explicit connection between theory and practice. Students will be expected to apply their acquired knowledge about linguistics and the law to practical and - wherever possible - current societal issues.

GE Path

This course meets an upper division GE requirement in the area of Lifelong Learning. The course is also part of the Social Justice GE Path. Students enrolled in the GE Paths program explore a special theme or major question from an interdisciplinary perspective in the context of their general education requirements. Students choose one of the different paths offered in the program based on personal and intellectual interests and take courses associated with the path. Fulfilling the requirements for the path does not require that one takes extra classes, but rather that a set of 6 or 7 GE classes are chosen around a particular theme.

The Social Justice GE Path

The primary goal of the Social Justice path is to encourage students to think critically about social justice, to recognize it as foundational for peaceful societies, and to look for ways to promote it. The faculty involved in the Social Justice GE Path organizes additional social and social justice related events for the students that are part of the path. If you are interested in becoming part of the Social Justice GE Path, please contact me and I will let you know how to sign up. For more information, go to: <http://www.csun.edu/gepaths/>

The Social Justice GE Path has the following learning outcomes of which the ones in bold are addressed in this course:

1. Students will be able to compare the distinct definitions of social justice.
2. Students will be able to recognize and critically analyze the inter-relationship between cultural recognition and economic justice.
3. **Students will be able to identify and practice the methods people use to fight for social justice at local, national, and international levels.**
4. **Students will be able to identify and analyze the ways injustices are institutionalized in social, political, and economic structures.**
5. **Students will be able to recognize and connect the ways individuals and institutions may be beneficiaries and/or victims of social injustice.**

Course objectives

Upon completion of Ling 310, students will:

1. Be able to demonstrate a basic understanding of the ways in which meaning is conveyed and interpreted through natural languages in written and oral modalities, having gained an introductory acquaintance with properties of texts and theories of Formal Linguistics.
2. Be able to demonstrate a basic understanding of the ways in which speaker intent is conveyed and interpreted, having gained an introductory acquaintance with theories from the fields of Semantics, Pragmatics and Discourse Analysis
3. Be able to utilize the concepts described under 1 and 2 toward understanding and evaluating the nature and merits of language use and interpretation in legal (oral and written) discourse.
4. Demonstrate a basic acquaintance with findings from the field of Sociolinguistics (specifically pertaining to dialectal variation, discourse styles, and code switching) and its relevance to understanding and evaluating the functioning of the legal system.
5. Demonstrate a basic acquaintance with findings from the field of Applied Linguistics, specifically pertaining to Translation, Second Language Acquisition and the rights of Language Minorities and its relevance to understanding and evaluating the functioning of the legal system.
6. Possess an introductory knowledge of the role and contributions of Forensic Linguistics to evidence gathering and interpretation.

Required Texts

- Solan, Lawrence M. and Peter M. Tiersma (2005) *Speaking of Crime; The Language of Criminal Justice*. The University of Chicago Press: Chicago.
- Tiersma, Peter (1999) *Legal Language*. The University of Chicago Press: Chicago.
- Additional miscellaneous readings will be accessible electronically through the CSUN library.

Prerequisites

An attitude towards wanting to learn and a willingness to work for it.

Classroom Rules

- It is important that you attend every class and that you come prepared. Please let me know if circumstances beyond your control prevent you from attending class. Repeated absences will affect your grade.
- Please, no food in the classroom. You are allowed to bring in drinks.
- Use of electronics: You are allowed to use your computer **for note taking purposes only**. No checking for email, face-booking etc. If you do not follow these rules, I will revoke your computer privileges. You must turn off your cell phone and leave them in your bag or pocket. **Absolutely no texting during class.**

Class sessions and Homework

- Class sessions will consist of lectures and various group activities that support the course content. I will generally post the PPT slides that cover a class lecture on Moodle immediately after class. I recommend that you revisit these slides on your own and add notes as you complete your assigned readings or other assignments. I welcome follow-up questions.
- All homework assignments will be posted on Moodle. Check well before each class session what your homework assignment is and what you need to bring to class. Acquaint yourself thoroughly with the Moodle site and look ahead, so that you don't wait too long before starting work on a particular assignment. **I do not accept late work except under extraordinary circumstances.**

Requirements

1. **Various responses to Course Readings (40% of your final grade).** These will be assigned weekly. You may be expected to do any of the following:
 - Post a response to a prompt related to the readings on Moodle (either in the form of a Moodle assignment or as part of a discussion forum).
 - Bring in data (with or without an analysis) that relate to the readings or class content to share with group members or with the entire class (you may be asked to also post the same on Moodle.)
 - Prepare a brief presentation to be shared with group members or the entire class, etc.

You will receive a maximum of 5 points for most of these assignments. From time to time a bigger assignment may be worth 10 points. Your grade will be based on the quality of your contribution and on the effort and thoughtfulness with which you complete each assignment. Total points to be earned from these assignments will be approximately 120 (the actual number depends on the exact number of assignments this semester)

2. **Paper and Poster Presentation (20% of your final grade):** You must write a 5-7 page paper in which you describe and evaluate a legal issue from a language perspective. **For a more detailed description, see "paper topics" on Moodle.** You are allowed to write the paper with a partner of your choosing or write it by yourself. If you decide to co-author the paper with a partner, you will each

receive the same grade for the paper. We will have two poster presentation sessions during the last week of classes. Your paper is due on the day of your poster presentation. If you miss your assigned presentation time, you receive a 10% reduction of your grade for the paper. You must upload a draft (not the final version!) of your paper through a link on Moodle by the end of week 13. **No draft by the due date means no grade for the paper!** The final version of your paper must be submitted to turnitin.com. I will provide a link on the Moodle site to do so.

3. **Midterm exam (20%)**
4. **Final in-class reflective essay** that requires integration of topics discussed in the course **(15%)**
5. **Attendance and participation (5%)**

Groups

You will be assigned to a group of approximately 5 students in the first week of classes and will be part of that group for the remainder of the semester. Your group will contribute to the class discussion in various ways during the semester. Any group work outside class time can generally be coordinated without having to meet in person. Groups can also be helpful in preparing for some assignments and I encourage you to rely on each other for help. With the exception of the term paper (which you may choose to do with a partner) all grading will be individual.

Grading

A = 94-100, A- = 90-93, B+ = 87-89, B = 84-86, B- = 80-83, C+ = 77-79, C = 74-76, C- = 70-73, D+ = 67-69, D = 64-66, D- = 60-63, <60 = F

Academic Honesty, Plagiarism and Cheating

No communication is permitted between students during an examination and no student is permitted to keep any books or papers with him or her during an examination except with the express permission of the instructor.

All work submitted to meet course requirements must be the student's own work, except as otherwise authorized. Unless otherwise expressly directed, in preparing work to meet course requirements, a student must carefully distinguish between ideas which are the student's own and those which have been derived from other sources. Students must specifically attribute information and opinions drawn from others to their respective sources. Students must make these attributions following the proper forms of citation. Quotations must be properly placed within quotation marks and fully cited. All paraphrased material must also be fully cited. In all cases where ideas or materials are derived from a student's readings and research, the sources must be indicated.

Students may not submit their own work if that work has already been submitted to meet prior assignments. Also, students may not submit their own work to meet two current assignments without receiving written approval from both faculty members.

Plagiarism and other forms of dishonesty are strictly prohibited and may result in non-acceptance of work, failing grade in the course, reprimands, suspension or dismissal.

Very important: Always use your own words when submitting work. When quoting your sources, do so appropriately. Simply copying sentences from the readings does not demonstrate any real understanding and may result in 0 points for the assignment. Repeated violations may result in 0 points for a range of assignments of the same type in the course!

Course Outline¹

Weeks 1 and 2: Legal texts

Introduction to the course; where does legal language come from? How is it different from everyday language in terms of sentence structure, vocabulary and pronunciation? Why is it used? Does it work (for legal and lay audiences) and is it necessary? Plain language legal movements.

READINGS:

Selections from Tiersma Chapters 4, 5 and 6.

Weeks 3 and 4: Deriving and Constructing Meaning

What determines the meaning of an expression? Word meaning, sentence meaning and speaker intent. To what extent can the meaning of a text be determined by just looking at the text itself; Textualism, Originalism and the issue of "Activist Judges."

READINGS:

Solan, L. (1993). When judges use the dictionary. *American Speech*, 68 (1), 50-57. Accessible electronically through the CSUN library.

Tiersma, Chapter 7.

Weeks 5 and 6: The Language of Police, Suspects and Witnesses

The language of police cautions, requests to search property, requests to speak to a lawyer: how consensual are consensual searches? The role and interpretation of indirectness in discourse.

¹ This is a projected outline only. We may make some changes during the semester when desirable. **Use the weekly instructions on Moodle rather than this course outline to determine what you should read and what is due in a given week.** There may be some minor changes in the readings for the course as well. **Any course readings that are not from the two textbooks will be accessible electronically through the CSUN library.**

READINGS:

Selections from Solan & Tiersma on consensual searches (Chapter 3) and Interrogation, Confession and Right to Council, (Chapter 4)

Week 7: Midterm**Weeks 8 and 9: Language-based Crimes**

Bribery, threats and perjury. How can one establish that someone has attempted to bribe someone else? How do we know that the bribe has been accepted? When does a threat “count”? Characteristics of conversations that signal cooperation, specific intent or lack thereof. If time: trademark disputes.

READINGS:

Solan & Tiersma on Solicitation, Conspiracy and Bribery (Chapter 9), Threats (Chapter 10) and Perjury (Chapter 11)

Weeks 10, 11: Construction of narratives in the courtroom

Conversational turn taking rules in the courtroom and their effects: for example, the relative powers of attorneys and witnesses in creating a story of what happened; questioning techniques.

READINGS:

Selections from Tiersma, Chapters 9 (Pleadings), 10 (Testimony and Truth) and 11 (Completing the Story)

Charles, Joel. "Replies to Negative Questions in the Courtroom." *American Speech* V. 71 (Spring 1996) P. 109-11, 71 (1996): 109-111. (Access electronically through CSUN library)

Weeks 12 and 13: Language differences and their effects in the courtroom

Code switching and dialects in the court room: Stylistic and dialectal code switches by attorneys and their possible effect on jurors; the effects of non-standard language use by witnesses on perceived veracity of the testimony. Interpreters and the law: The challenges of interpreting testimony, language rights.

READINGS:

Lippi-Green, Rosina. "Accent, Standard Language Ideology, and Discriminatory Pretext in the Courts" *Language in Society*, Vol. 23, No. 2 (Jun., 1994), pp. 163-198. (Access electronically through CSUN library)

Week 14: Forensic Linguistic Evidence: Linguists in the courtroom

How unique are human voices and pronunciations? Can one determine authorship based on orthographic, grammatical and lexical characteristics of a text? Cracking coded language and imperfect renditions (for instance taped speech).

READINGS:

Solan & Tiersma Chapters 7 (voice analysis) and 8 (graphic analysis)

Lexicon Valley Podcast: Does your Writing Style have a Fingerprint? Posted June 18 2012;

http://www.slate.com/articles/podcasts/lexicon_valley/2012/06/lexicon_valley_resolving_authorship_controversies_in_the_federalist_papers_and_the_wizard_of_oz.html

Week 15: Student Poster Presentations**Week 16: Final Exam: 5/12 Wednesday 12:45 - 2:45PM**